

App. Ser. No.: 10/719,512  
Atty. Doc. No.: BCS03183

REMARKS

In the Office Action mailed on March 22, 2005 the Examiner rejected claims 1-3, 6-10 and 13-15 under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,874,985 to Matthews, III; rejected claims 1, 2, 6-9 and 13-15 under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,564,379 to Knudson et al.; rejected claims 4, 5, 11 and 12 under 35 U.S.C. 103(a) as being unpatentable over Matthews, III; and rejected claims 3-5 and 10-12 under 35 U.S.C. 103(a) as being unpatentable over Knudson et al.

The Examiner asserts that Matthews, III discloses means for re-scaling in his disclosure of controller 20. Controller 20, however, is described as inserting a text message onto the screen over an existing image. See column 2, lines 58-59 ("The interactive station controller renders the viewer message on the video display set over the selected programming.") In contrast, the claimed invention re-scales the main program display portion so as to eliminate any message that would otherwise be displayed on the fixed information band display portion. See generally Figure 6 of the present application. The circuitry and method of operation of Matthews, III contradicts that of the present invention and therefore Matthews, III cannot anticipate the pending claims.

Since Matthews, III cannot re-scale a main program display portion, it follows that Matthews, III does not teach or suggest a means for receiving a user command to eliminate the fixed information band display portion. Remote control 71 does allow for a user to acknowledge receipt of a message, but again this contradicts a purpose of the present invention to eliminate displaying that message in the first place.

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With respect to claims 2, 3, 9 and 10, Matthews, III simply does not re-scale any portion of the displayed video signal, regardless of the direction being top-down or bottom-up.

With respect to claims 6, 7, 13 and 14, again, since Matthews, III is intended to overlay messages over a program, Matthews, III simply lacks any mechanism to receive a user input indicative of a location or size of a fixed information band display portion.

The Examiner asserts that Knudson et al. teach re-scaling a main program display portion in Figure 10 and in column 8, lines 46-61. Applicant respectfully disagrees.

What Knudson et al. teach is gliding the overlay off of the screen leaving the main program on the screen unencumbered. The size of the main program display portion does not change in Knudson et al.'s system. Instead, the size of Knudson et al.'s browse display or flip display is reduced on the screen until it is no longer there. Knudson et al. give several examples of how reduce the browse or flip display in column 8, lines 59-61 and none of them include re-scaling a main program display portion.

With respect to claims 2 and 9, Knudson et al. simply do not re-scale any portion of the displayed video signal, regardless of the direction being top-down or bottom-up.

With respect to claims 6, 7, 13 and 14, again, since Knudson et al.'s system is intended to overlay messages over a program, Knudson et al. simply lack any mechanism to receive a user input indicative of a location or size of a fixed information band display portion.

With respect to claims 3-5 and 10-12, Applicant respectfully traverses the obviousness rejections made using Matthews, III and Knudson et al. As stated earlier,

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neither reference teaches re-scaling a main program display portion regardless of the location of the fixed information band display portion.

Finally, Applicant challenges the Examiner's assertion that placing a fixed information band display portion on the left, right or top edge of the display is within the public domain. Applicant respectfully requests the Examiner to produce a reference showing these various placements of a fixed information band display portion.

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CONCLUSION

No fees beyond those needed for filing a Petition to Revive Unintentional Abandonment are believed due for this response. However, the Office is authorized to charge any additional fees or underpayments of fees (including fees for petitions for extensions of time) under 37 C.F.R. 1.16 and 1.17 to account number 502117. Any overpayments should be credited to the same account.

Applicant respectfully requests reconsideration of the present application, withdrawal of the rejections made in the last Office Action and the issuance of a Notice of Allowance. The Applicant's representative can be reached at the below telephone number if the Examiner has any questions.

Respectfully submitted,

Raymond Bontempi et al.

*Ben D. Driscoll*  
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Benjamin D. Driscoll  
Reg. No. 41,571  
Motorola, Inc.  
101 Tournament Drive  
Horsham, PA 19044  
P (215) 323-1840  
F (215) 323-1300

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